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| NPDES FORM 3510-6 |  | UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE NPDES MULTI-SECTOR GENERAL PERMIT | FORM Approved OMB No. 2040-0300 |
|-------------------------|---|--|---------------------------------------|

Permit Information

Master Permit Number:

MAR050000

NPDES ID:

MAR053067

Eligibility Information

State/territory where your facility is discharging:

MA

Does your facility discharge to federally recognized Indian Country lands?

No

Are you a "Federal Operator" as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)?

No

Which type of form would you like to submit?

Notice of Intent (NOI)

By indicating "Yes" below, I confirm that I understand that the MSGP only authorizes the stormwater discharges in Part 1.1.2 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1. and 1.2.2. will be discharged, they must be covered under another NPDES permit.

Yes

Are you a new discharger or a new source as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)?

No

Have stormwater discharges from your facility been covered previously under an NPDES permit?

No

Are you discharging to any waters of the U.S. that are designated by the state or tribal authority under its antidegradation policy as a Tier 3 water (Outstanding National Resource water)? (See Appendix L (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_l_-_list_of_tier_3_tier_2_and_tier_2.5_waters.pdf))

No

What is the legal name of the Operator as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)?

DIANNE'S FINE DESSERTS

What is the name of your facility or activity as defined in Appendix A (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_a_-_definitions.pdf)?

DIANNE'S FINE DESSERTS

Operator Information

Operator Information

Operator Name:

DIANNE'S FINE DESSERTS

Operator Mailing Address

Address Line 1:

4 Graf Road

Address Line 2:

City:

Newburyport

ZIP/Postal Code:

01950

State:

MA

County or Similar Division:

Essex

Operator Point of Contact Information

First Name

Middle Initial

Last Name:

Myles

.

Vourgarakis

Title:

EH&S Manager

Phone:

9784633833

Ext.:

Email:

myles.vourgarakis@diannesfinedesserts.com

Facility Information

Facility Information

Facility Name:

DIANNE'S FINE DESSERTS

Facility Address

Address Line 1:

4 GRAF ROAD

Address Line 2:

City:

NEWBURYPORT

ZIP/Postal Code:

01950

State:

MA

County or Similar Division:

Essex

Latitude/Longitude for the Facility

Latitude/Longitude:

42.806426°N, 70.884496°W

Latitude/Longitude Data Source:

GPS

Horizontal Reference Datum:

WGS 84

https://npdes-ereporting.epa.gov/net-msgp/action/secured/home#!/noi?formId=715834/tabs/view

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General Facility Information

What is the ownership type of the facility? Privately Owned Facility

Estimated area of industrial activity at your facility exposed to stormwater (rounded to the nearest quarter acre): 4.25

Is your facility presently inactive and unstaffed? No

Exception for Inactive and Unstaffed Facilities: The requirement for indicator monitoring, impaired waters monitoring, and/or benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater.

If circumstances change during the permit term that affect your qualifications for this exception to monitoring requirements (i.e. industrial materials or activities exposure to stormwater or your facility's active/inactive and staffed/unstaffed status) you must submit a NOI notifying EPA of the change in circumstances.

Sector-Specific Information

Primary Sector: U

Primary Subsector: U3

Primary SIC Code: 2053

Discharge Information

By indicating "Yes" below, I confirm that I understand that the MSGP only authorizes the stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the authorized stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.

Yes

Other Discharge Information

Does your facility discharge into a Municipal Separate Sewer System (MS4)? Yes

➔ If yes, provide the name of the MS4 operator: Newburyport POTW

Receiving Waters Information

List all of the stormwater discharge points from your facility.

Discharge Point 002: Freezer and AC condensate

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

| | Sector | Subsector | SIC/Activity Code |
|-------------------------------------|-------------------------------|--|-------------------|
| <input checked="" type="checkbox"/> | U - FOOD AND KINDRED PRODUCTS | U3 - Meat Products; Dairy Products; Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties; Bakery Products; Sugar and Confectionery Products; Beverages; Miscellaneous Food Preparations and Kindred Products; Tobacco Products | 2053 |

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 42.806426°N, 70.884496°W

☐ This discharge point is *Substantially Identical* to an existing discharge point.

Receiving Water

GNIS Name:
Little River

Waterbody Name:
LITTLE RIVER

Listed Water ID:
MA91-11

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit? No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Massachusetts Impaired Waters (IW) information and required monitoring parameters available at:

<https://www.mass.gov/lists/integrated-lists-of-waters-related-reports> (<https://www.mass.gov/lists/integrated-lists-of-waters-related-reports>)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/msgp-2021-part-425-parameters-ma.pdf> (<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/msgp-2021-part-425-parameters-ma.pdf>)

Where the Massachusetts monitoring guidance identifies one or more monitoring parameters that are different than the identified pollutant causing the impairment, indicate the monitoring parameter(s) as the pollutant(s) causing the impairment in the table below (select Yes for "Is the receiving water listed as impaired on the 303(d) list?" to display the pollutant table).

Is the receiving water listed as impaired on the 303(d) list and in need of a TMDL? Yes

| Cause of Impairment Group | Pollutant |
|---------------------------|-------------------------|
| PATHOGENS | Coliform, fecal general |

Has a TMDL been completed for this receiving waterbody? No

Discharge Point 001: Receiving storm drain

Applicable Sectors

Select the Sectors/Subsector(s) that apply to this discharge point.

| | Sector | Subsector | SIC/Activity Code |
|-------------------------------------|-------------------------------|--|-------------------|
| <input checked="" type="checkbox"/> | U - FOOD AND KINDRED PRODUCTS | U3 - Meat Products; Dairy Products; Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties; Bakery Products; Sugar and Confectionery Products; Beverages; Miscellaneous Food Preparations and Kindred Products; Tobacco Products | 2053 |

Federal Effluent Limitation Guidelines:

Identify the Effluent Limitation Guideline(s) that apply to your stormwater discharges.

There are no guidelines associated with the sector(s) selected in this discharge point.

Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? No

Latitude/Longitude: 42.806426°N, 70.884496°W

☐ This discharge point is *Substantially Identical* to an existing discharge point.

Receiving Water

GNIS Name:

Little River

Waterbody Name:

LITTLE RIVER

Listed Water ID:

MA91-11

Is this receiving water saltwater or freshwater? Freshwater

Is this receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)?

Yes

Will you have stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit? No

Benchmark Monitoring

Are you subject to benchmark monitoring requirements for a hardness-dependent metal? No

Impaired Waters Monitoring

NOTE: The information automatically populated in this section may be outdated and inaccurate (i.e. determining if the receiving water is listed as impaired on the 303(d) list, the cause(s) of the impairment if impaired, the pollutant(s)). It is recommended that you consult with your state's guidance for discharges into impaired waters to determine whether the receiving water is listed as impaired and, if so, the correct causes for the impairment and pollutant(s), and update the information accordingly.

Massachusetts Impaired Waters (IW) information and required monitoring parameters available at:

<https://www.mass.gov/lists/integrated-lists-of-waters-related-reports> (<https://www.mass.gov/lists/integrated-lists-of-waters-related-reports>)

<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/msgp-2021-part-425-parameters-ma.pdf> (<https://www3.epa.gov/region1/npdes/stormwater/assets/pdfs/msgp-2021-part-425-parameters-ma.pdf>)

Where the Massachusetts monitoring guidance identifies one or more monitoring parameters that are different than the identified pollutant causing the impairment, indicate the monitoring parameter(s) as the pollutant(s) causing the impairment in the table below (select Yes for "Is the receiving water listed as impaired on the 303(d) list?" to display the pollutant table).

Is the receiving water listed as impaired on the 303(d) list and in need of a TMDL? Yes

| Cause of Impairment Group | Pollutant |
|---------------------------|-------------------------|
| PATHOGENS | Coliform, fecal general |

Has a TMDL been completed for this receiving waterbody? No

To obtain NMFS-listed species and critical habitat information, use the resources listed below:

General Resources:

- NOAA Fisheries, Regions Page (<https://www.fisheries.noaa.gov/regions>) ⓘ

For the Northeastern U.S.:

- NOAA Fisheries Greater Atlantic Region ESA Section 7 Mapper (<https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=1bc332edc5204e03b250ac11f9914a27>)

For Puerto Rico:

- Acropora* critical habitat map (<https://www.fisheries.noaa.gov/resource/map/acropora-elkhorn-and-staghorn-coral-critical-habitat-map-and-gis-data>)
- Green turtle critical habitat map (<https://www.fisheries.noaa.gov/resource/map/green-turtle-critical-habitat-map-and-gis-data>)
- Hawksbill Turtle critical habitat map (<https://www.fisheries.noaa.gov/resource/map/hawksbill-turtle-critical-habitat-map-and-gis-data>)

Western U.S.:

- West Coast Region Protected Resources App (<https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9>)

Pacific Islands:

- Contact the Pacific Islands Regional Office at (808) 725-5000 or pirohonolulu@noaa.gov (<mailto:pirohonolulu@noaa.gov>)

I have checked the webpages listed above and confirmed that: There are NMFS-listed species and/or critical habitat in my action area.

For NMFS species, include the full printout from the Species Directory with the correct Region selected.

| Name | Uploaded Date | Size |
|---|---------------|-----------|
| 📎 NOAA S7 Consultation area.pdf (attachment/718024) | 05/28/2021 | 164.67 KB |

U.S. Fish and Wildlife Service (USFWS)

To obtain FWS-listed species and critical habitat information, use the resources listed below:

- IPaC (the Information, Planning, and Consultation System) (<https://ecos.fws.gov/ipac/>)
- For instructions for using IPaC, click here.

I have checked the webpages listed above and confirmed that: There are no FWS-listed species and/or critical habitat in my action area.

You may be eligible under **Criterion C**. You must assess whether your discharges and discharge-related activities are likely to adversely affect ESA-listed species or critical habitat, and whether any additional measures are necessary to ensure no likely adverse effects. In order to make a determination of your facility's likelihood of adverse effects, you must complete the Criterion C Eligibility fields below.

Criterion C Eligibility

Select which applies:

Criterion C3: ESA-listed species and/or critical habitat likely to occur, but discharges not likely to adversely affect them.

ESA-listed species and/or habitat under the jurisdiction of USFWS and/or NMFS are likely to occur in or near your facility's "action area", and you certify to EPA that your industrial activity's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or critical habitat.

Select which applies:

I am seeking coverage under the MSGP as an existing discharger and there are no modifications to my facility.

Provide a general description of the industrial activities that are taking place at this facility:

The facility is a bakery which produces frozen desserts. The facility receives raw ingredients, processes, bakes, and packs desserts. There are cleaning activities. There are also several freezers and coolers.

Using your species list(s) attached above, determine which of the following applies:

The species list(s) includes both terrestrial and aquatic or aquatic-dependent species and/or their critical habitat.

Evaluation of Discharge-Related Activities Effects

Most of the potential effects related to coverage under the MSGP are assumed to occur to aquatic and/or aquatic-dependent species. However, in some cases, potential effects to terrestrial species and/or their critical habitat should be considered as well from any discharge-related activities that occur during coverage under the MSGP. Examples of discharge-related activities that could have potential effects on protected terrestrial species or their critical habitat include the storage of materials and land disturbances associated with stormwater management-related activities (e.g., the installation or placement of stormwater control measures).

Select the applicable statement below: There are discharge-related activities planned as part of the proposal.

➔ Describe your discharge-related activities:

General runoff from roofs and driveways. Condensate from Freezers and AC units.

In order to ensure any discharge-related activities will have no likely adverse effects on ESA-listed species and/or their critical habitat, you must certify that all the following are true:

➔ Discharge-related activities will occur on previously cleared/developed areas of the site where maintenance and operation of the facility are currently occurring or where existing conditions of the area(s) in which the discharge-related activities will occur precludes its use by listed species (e.g., work on existing impervious surfaces, work occurring inside buildings, area is not used by species).

True

➔ Discharge-related activities that will include the establishment of structures (including, but not limited to, infiltration ponds and other controls) or any related disturbances will be sited in areas that will not result in isolation or degradation of nesting, breeding, or foraging habitat or other habitat functions for listed animal species (or their designated critical habitat), and will avoid the destruction of native vegetation (including listed plant species).

True

➔

For any vegetation removal (e.g., brush clearing) or other similar activities that will occur, no terrestrial listed species that use these areas for habitat or listed critical habitat would be expected to be present during vegetation removal.

True

Evaluation of Discharge Effects

Using the next few questions, you will evaluate the likelihood of adverse effects from your facility's discharges. The scope of effects to consider will vary with each facility and species/critical habitat characteristics. The following are examples of discharge effects you should consider:

- **Hydrological Effects.** Stormwater discharges may adversely affect receiving waters by causing changes in water quality parameters such as turbidity, temperature, salinity, or pH. Stormwater discharges may adversely affect the immediate vicinity of the discharge point through streambank erosion and scour. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- **Toxicity of Pollutants.** Pollutants in stormwater may have toxic effects on listed species and may adversely affect critical habitat. Exceedances of benchmarks, effluent limitation guidelines, or state or tribal water quality requirements may be indicative of potential adverse effects on listed species or critical habitat. However, some listed species may be adversely affected at pollutant concentrations below benchmarks, effluent limitation guidelines, and state or tribal water quality standards due to exposures to multiple stressors at the same time. In addition, stormwater pollutants identified in Part 6.2.3.2 of your SWPPP, but not monitored as benchmarks or effluent limitation guidelines, may also adversely affect listed species and critical habitat.

As these effects are difficult to analyze for listed species, their prey, habitat, and critical habitat, these questions will help you to analyze your discharges to make a determination of whether your discharges will likely have adverse effects and whether there are any additional controls you can implement to ensure no likely adverse effects.

Evaluation of Pollutants and Controls to Avoid Adverse Effects

In the section below, document all of your pollutant sources and pollutants expected to be discharged in stormwater. You must also document the controls you will implement to avoid adverse effects on listed aquatic and aquatic-dependent species. You must include specific details about the expected effectiveness of the controls in avoiding adverse effects to the listed aquatic-and aquatic-dependent species.

Potential Pollution Source: ⓘ None

Potential Pollutants: ⓘ

None

Controls to Avoid Adverse Effects on Protected Aquatic and Aquatic-Dependent Species: ⓘ

Include information supporting why the control(s) will ensure no adverse effects, including any data you have about the effectiveness of the control(s) in reducing pollutant concentrations. You may also attach photos of your controls to this form.

N/A

Use the space below to attach any photos of your controls.

Were you able to make a preliminary determination that any of your pollutants will be controlled to a level necessary to avoid adverse effects on aquatic and/or aquatic-dependent listed species and their critical habitat?

I was able to make a preliminary determination that all of my pollutants will be controlled to a level necessary to avoid adverse effects.

Analysis of Effects Based on Past Monitoring Data

Select which of the following applies to your facility:

I have no previous monitoring data for my facility because there were no applicable monitoring requirements for my facility's sector(s).

You must verify your preliminary determination of effects on listed species and designated critical habitat from your discharges and/or discharge-related activities. Select one of the following that applies:

Based on the above responses, I have provided information supporting a preliminary determination that my discharges and/or discharge-related activities are not likely to adversely affect listed species and designated critical habitats.

Identify the USFWS and NMFS information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.

Spoke with Patricia Shaw-Allen, Ph.D., Ecotoxicologist, ESA Consultation Biologist at NOAA Fisheries to determine that discharges were not likely to adversely affect. Here is her email:
Thank you for calling NMFS. The technical guidance for delineating your action area I recommend using is found at: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/multi-sector-general-permit-technical-guidance-greater-atlantic-region>.

Be sure to note that you are discharging to an MS4. From what you have told me, the discharges typical of your operation are not much different from that of a residential area or shopping center (roof runoff, parking area). NMFS consulted with EPA on the Massachusetts MS4s and arrived at a not likely to adversely affect determination, and your discharge NMFS expects discharges to be consistent with discharges covered under that consultation. As such I recommend you certify under Criterion D.

Thank you

Pat

What ESA-listed species and/or critical habitat are located in your "action area"?

Atlantic Sturgeon, Shortnose Sturgeon, Atlantic Large Whales

Distance in miles between your site and the ESA-listed species and/or critical habitat within the action area: 1

Provide a description of EPA approved measures you will implement or will continue to implement to ensure no likely adverse effects on ESA-listed species and/or critical habitat.

Continue to operate and follow SWPPP to ensure no pollutants enter stormwater. Only allow roof and driveway runoff and condensate.

Note: Any missing or incomplete information in this section may result in a delay of your coverage under the permit.

Historic Preservation: Criterion A

The following questions will help you determine your eligibility under Part 1.1.5 of the permit with respect to preservation of historic properties. You may still use the paper instructions in Appendix F (https://www.epa.gov/sites/production/files/2021-01/documents/2021_msgp_-_appendix_f_-_procedures_relating_to_historic_properties_preservation.pdf) of the MSGP in advance or in conjunction with answering the questions in this section of the form. For more information about your State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO), please visit the National Park Service (NPS) websites at:

- State Historic Preservation Office (SHPO) (<https://www.nps.gov/subjects/nationalregister/state-historic-preservation-offices.htm>)
- Tribal Historic Preservation Office (THPO) (https://www.nps.gov/history/tribes/Tribal_Historic_Preservation_Officers_Program.htm)

Are you an existing facility that is resubmitting for certification under the 2021 MSGP? Yes

➤ If you are an existing facility you should have already addressed National Historic Preservation Act (NHPA) issues. To gain coverage under the 2015 MSGP, you were required to certify that you were either not affecting historic properties or had obtained written agreement from the relevant SHPO or THPO regarding methods of mitigating potential impacts.

Will you be constructing or installing any new stormwater control measures? No

You are eligible under **Criterion A**.

Additional Supporting Information

Use this section to provide additional information you feel is pertinent to your coverage or to provide information in a Change NOI for a numeric effluent limitation exceedance as required in part 4.2.3.3. of the permit.

Do you have supporting information you would like to add? No

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. Signing an electronic document on behalf of another person is subject to criminal, civil, administrative, or other lawful action.

Certified By: Myles Vourgarakis

Certifier Title:

Certifier Email: myles.vourgarakis@us.hjheinz.com

Certified On: 05/28/2021 12:54 PM ET